

[Dkt. No. 700]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

IN RE: VALSARTAN
N-NITROSODIMETHYLAMINE (NDMA)
CONTAMINATION PRODUCTS LIABILITY
LITIGATION

MDL No. 2875

Case No. 1:19-md-02875-RBK-KMW

*This document relates to:
Troiano v. Aurobindo Pharma, et al.
Case No. 1:20-cv-02341-RBK*

ORDER

THIS MATTER having come before the Court on the Motion of Michael C. Schafle [Dkt. No. 700] seeking to substitute Plaintiff John H. Troiano as Administrator of the Estate of Diane Troiano, as Plaintiff in place of Plaintiff Diane Troiano in this matter pursuant to Federal Rule of Civil Procedure 25(a); and there being no opposition to the Motion; and the Court having considered John H. Troiano's submissions; and

THE COURT NOTING that in support of his Motion, John H. Troiano presents evidence that Plaintiff Dianne Troiano died on November 3, 2020 and that John H. Troiano, husband of decedent Diane Troiano, was appointed as Administrator of the Estate of Diane Troiano by the Surrogate Court of Gloucester County, New Jersey on December 10, 2020; and

THE COURT NOTING that the Motion is governed by Federal Rule of Civil Procedure 25(a), which provides that:

If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

Fed. R. Civ. P. 25(a)(1); and

THE COURT FINDING that Fed R. Civ. P. 25(a)(1)'s 90-day timeliness requirement for substitution is satisfied because the Motion was filed on December 30, 2020, which was within 90-days of November 3, 2020, when Plaintiff Diane Troiano died; and

THE COURT FINDING that Defendants would not suffer any prejudice from this substitution;

Accordingly, IT IS on this **19th** day of **March, 2021**, hereby, **ORDERED** that the Motion [Dkt. No. 700] is **GRANTED**. Plaintiff John H. Troiano as Administrator of the Estate of Diane Troiano is hereby **SUBSTITUTED** in place of Plaintiff Diane Troiano; and it is further

ORDERED that the Clerk of the Court shall amend the case caption accordingly.

s/ Karen M. Williams
KAREN M. WILLIAMS
United States Magistrate Judge

cc: Hon. Robert B. Kugler